

Bijal V. Vakil (Cal. Bar No. 192878)  
bvakil@whitecase.com  
Shamita D. Etienne-Cummings (Cal. Bar No. 202090)  
setienne@whitecase.com  
Kao-Yu Hsu (Cal. Bar No. 264997)  
kaoyu.hsu@whitecase.com  
WHITE & CASE LLP  
5 Palo Alto Square, 9th Floor  
3000 El Camino Real  
Palo Alto, CA 94306  
Telephone: 650.213.0300  
Facsimile: 650.213.8158

Attorneys for Plaintiff  
TPK Touch Solutions, Inc.

Scott R. Mosko (State Bar No. 106070)  
scott.mosko@finnegan.com  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP  
Stanford Research Park  
3300 Hillview Avenue  
Palo Alto, California 94304-1203  
Telephone: (650) 849-6600  
Facsimile: (650) 849-6666

Attorneys for Defendants  
Wintek Electro-Optics Corporation and  
Wintek Corporation

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

	)	
TPK TOUCH SOLUTIONS, INC.	)	CIVIL CASE No.: 3:13-CV-02218-JST
	)	
Plaintiff,	)	<b>STIPULATION AND [PROPOSED</b>
	)	<b>ORDER] GRANTING PLAINTIFF TPK</b>
vs.	)	<b>TOUCH SOLUTIONS, INC.'S</b>
	)	<b>REQUEST TO AMEND P.L.R. 3-1</b>
WINTEK ELECTRO-OPTICS CORPORATION AND	)	<b>INFRINGEMENT CONTENTIONS</b>
	)	
WINTEK CORPORATION.	)	
	)	
Defendants.	)	
	)	

1 WHEREAS, Plaintiff Touch Solutions, Inc. (“TPK”) served its P.L.R. 3-1 infringement  
2 contentions on January 2, 2014 pursuant to the Court’s Scheduling Order (Dkt. No. 43);

3 WHEREAS, Defendants Wintek Corporation and Wintek Electro-Optics Corporation  
4 (collectively “Wintek”) alleges that TPK’s infringement contentions, which in part reads:

5  
6 Each and every Wintek Single Sided Indium-Tin Oxide (“SITO”) Capacitive Touchscreen [from] August 2007, including but not  
7 limited to the Wintek SITO Touchscreens identified in Exhibits A - D,  
8 the Wintek products identified in any of Wintek’s responses to TPK’s  
9 discovery requests . . . and the Wintek Touchscreens sold to those  
customers identified in the market reports that are publicly available,

10 are deficient because:

11 a. Without providing the details required by the Patent Local Rules, these  
12 Contentions could be read to apply to literally hundreds of Wintek products;

13 b. TPK has violated Patent L.R. 3-1(b) by failing to sufficiently identify each  
14 accused apparatus by name or model number,

15 c. TPK has violated Patent L.R. 3-1(c) by failing to provide “a chart identifying  
16 specifically where each limitation for each asserted claim is found within *each* Accused  
17 Instrumentality...”; and

18 d. To the extent TPK is relying upon the four (4) claim charts it did attach to its  
19 Infringement Contentions to support a claim that these charts represent the characteristics of the  
20 hundreds of other products these Contentions identify, there are no bases provided to support any  
21 argument that said claim charts are in fact, representative of any product other than the ones to  
22 which they are tied;

23 WHEREAS, TPK disagrees with Wintek’s allegations and maintains that TPK’s P.L.R. 3-1  
24 infringement contentions served on January 2, 2014 are sufficient at least because of the following  
25 reasons:

26 a. Without the benefits of discovery which has just begun and far from being  
27 complete, especially in the situation where Wintek failed to produce any requested documents  
28 regarding its accused products after TPK served its discovery requests in September 2013 and

1 before TPK's infringement contentions were due on January 2, 2014, TPK sufficiently identified  
2 representative accused products by name or model number pursuant to Patent L.R. 3-1(b) such as  
3 (i) Wintek SITO Touchscreens identified in Exhibits A - D, (ii) the model numbers of Wintek  
4 products identified in Wintek's responses to TPK's discovery requests such as Wintek's First  
5 Supplemental Response to TPK's First Set of Interrogatories served on December 11, 2013; and  
6 (iii) Wintek Touchscreens sold to those customers identified in the market reports that are publicly  
7 available.

8           b. Pursuant to Patent L.R. 3-1(c), TPK has sufficiently provided four claim  
9 charts (i.e., Exhibits A-D) identifying specifically where each limitation for each asserted claim is  
10 found within the exemplary and representative accused products; and

11           c. Neither Patent L.R. 3-1(c) nor caselaw requires TPK provide claim charts  
12 for each accused product. The four exemplary claim charts attached to TPK's contentions are  
13 representative for other accused products because through these claim charts TPK has shown that  
14 the accused Wintek Touchscreens used in two different end products in fact implement the same or  
15 substantially similar design or manufacturing process that reads on the asserted claims. TPK also  
16 relies on other evidence in the contentions such as the market reports to show that Wintek provides  
17 the accused SITO Touchscreens to various customers with a structure similar to the two products  
18 analyzed in TPK's claim charts. TPK thus has good reason to believe that other Wintek accused  
19 products similarly infringe the asserted claims; and  
20

21           WHEREAS, TPK and Wintek conferred on January 31, 2014 and agreed that, in order not  
22 to burden the Court, the parties will stipulate to allow TPK to amend its P.L.R. 3-1 infringement  
23 contentions.

24  
25           IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff TPK and  
26 Defendant Wintek, subject to the Court's approval, that TPK should and will amend its P.L.R. 3-1  
27 infringement contentions, without waiving its rights to further supplement the infringement  
28

1 contentions in light of the information uncovered through discovery but only to address the issues  
2 stated above, by February 18, 2014.

3  
4  
5 Dated: February 13, 2014

Respectfully submitted,

6  
7 By: /s/ Bijal V. Vakil  
Bijal V. Vakil

8 Attorneys for Plaintiff  
9 TPK Touch Solutions, Inc.

10 Dated: February 13, 2014

Respectfully submitted,

11  
12 By: /s/ Scott R. Mosko  
Scott R. Mosko

13 Attorneys for Defendants  
14 Wintek Electro-Optics Corporation and  
15 Wintek Corporation

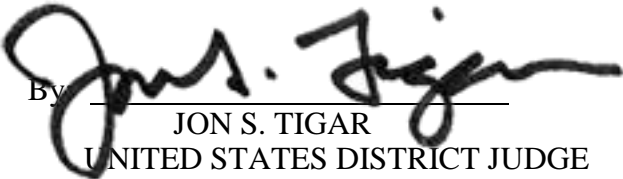
16  
17 I hereby attest that I have received authority from Scott Mosko to attach his e-signature to  
18 this pleading and file it.

19 /s/ Bijal V. Vakil  
Bijal V. Vakil

~~Proposed~~ ORDER

Upon good cause shown IT IS HEREBY ORDERED that Plaintiff TPK Touch Solutions Inc.'s request to amend P.L.R. 3-1 infringement contentions to address Wintek's alleged deficiencies, as stated in the second WHEREAS clause in the above stipulation, by February 18, 2014 is GRANTED.

Dated: February 18, 2014

By   
JON S. TIGAR  
UNITED STATES DISTRICT JUDGE